

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 27, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit # 04053, Domestic Employee

PROPOSAL: To allow a second unit for a domestic employee

LOCATION: 1701 S. 98th St.

WAIVER REQUEST: n/a

LAND AREA: 5.62 acres more or less

CONCLUSION: This meets the zoning code .

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1 Guittar Sub., located in the NE 1/4 of Section 35-10-7, Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture.

EXISTING LAND USE: Residence

SURROUNDING LAND USE AND ZONING:

North: acreages, zoned AG

South: acreages, zoned AG

East: acreages, zoned AG

West: acreages, zoned AG

ASSOCIATED APPLICATIONS: none

HISTORY: Zoned AG in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown in the City's future service area, Tier I.

HISTORY: A building permit has been issued for the second dwelling unit.

UTILITIES: well and lagoon.

TOPOGRAPHY: Flat

TRAFFIC ANALYSIS: S. 98th is a county gravel road. A future minor arterial shown as potential paved.

PUBLIC SERVICE: County Sheriff, Lincoln Electric Service, Waverly School District #145, Southeast Rural Fire District.

REGIONAL ISSUES: NA

ENVIRONMENTAL CONCERNS: Wooded creek bottom. No defined floodplain.

AESTHETIC CONSIDERATIONS: N/A

ALTERNATIVE USES: One dwelling

ANALYSIS:

1. This request is for a dwelling for a domestic employee in an accessory building as provided for in 27.63.640. The pre-conditions of the special permit section are:

- (1) The premises for which a special permit is requested shall be a buildable lot for singlefamily use.
- (2) No more than one dwelling unit for domestic employees shall be permitted.
- (3) Parking shall be in conformance with Chapter 27.67, but additional parking requirements may be imposed.
- (4) The number of domestic employees residing on the premise shall be limited to two.

For the purpose of this section, "domestic employee" shall mean an employee such as a household servant, gardener, caretaker, or chauffeur whose work is usually necessary or desirable for the maintenance and enjoyment of his or her employer's home.

2. The applicant states his mother has health issues and needs assistance.
3. The building permits have been issued for the attached accessory building and the remodel to the existing residence. Occupancy permits are pending.

4. Health Department notes the lagoon may need to be enlarged and that water impact on the well will be minimal.

CONDITIONS:

Site Specific:

1. This approval permits a dwelling unit for a domestic employee in an accessory building on this premise.

General:

2. The construction plans comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this accessory dwelling unit all development and construction is to comply with the approved plans.
 - 3.2 Before occupying this accessory dwelling unit City/County Health Department is to approve the water and waste water systems.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: October 9, 2004

APPLICANT: David Guittar
1701 S. 98th St
Lincoln, NE 68520
(402) 327-2858

OWNER: David L. and Vera B. Guittar

CONTACT: same



2002 aerial

Special Permit #04053 1701 S. 98th St.

Zoning:

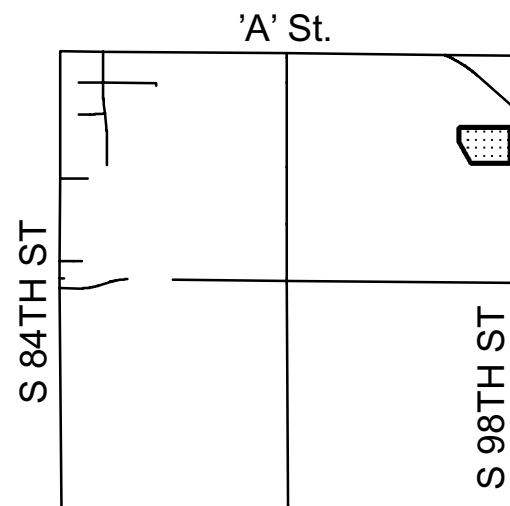
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 35 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Van Dorn St.

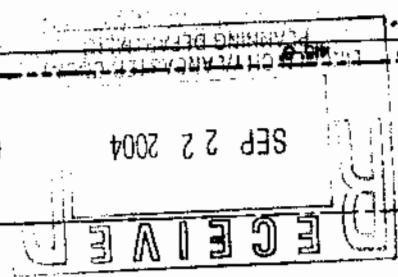
Lincoln City - Lancaster County Planning Dept.

RECEIVED

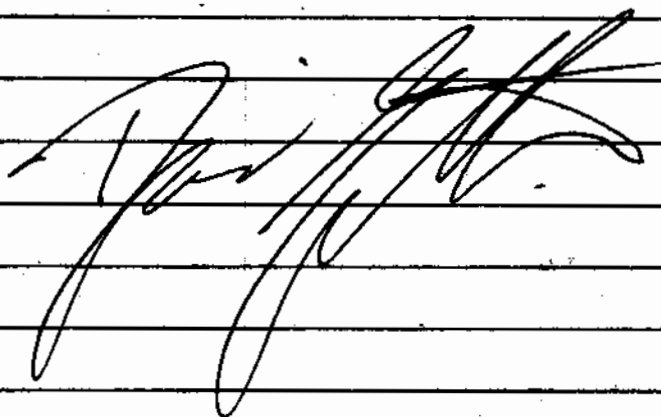
Special Permit #04053
1701 S. 98th St.



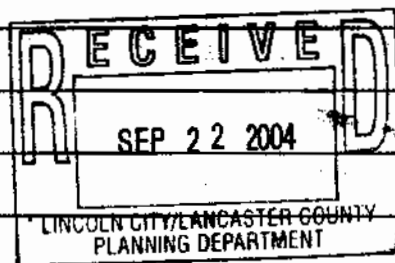
Owners and Builders: It is the responsibility of the owner or builder to determine that this construction vehicle may be used in the manner intended, and to obtain any necessary permits or approvals from the City or other applicable authorities. It is the responsibility of the owner or builder to ensure that the vehicle is used in a safe and lawful manner, and to comply with all applicable laws and regulations.



So when it may concern,
The reason I would like this
special permit is to have a dwelling
for a domestic servant. My mother
has diabetes and needs some help

A large, stylized handwritten signature in black ink, likely belonging to the applicant or a representative.

Special Permit #04053
1701 S. 98th St.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: October 7, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Guitarr
SP #04053

The Lincoln-Lancaster County Health Department has reviewed the special permit application with the following noted:

- The onsite wastewater treatment system serving the property is a lagoon. The lagoon may need to be enlarged in the future if the additional discharge from the proposed quarters for the domestic employee exceeds the design capacity of the current system. Adequate area exists for expansion if it is needed.
- The impact on the water supply should be minimal.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Lancaster

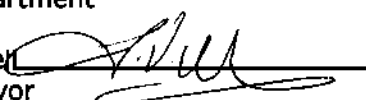
DON R. THOMAS - COUNTY ENGINEER

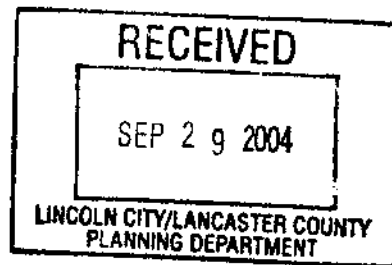
County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: September 28, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SPECIAL PERMIT #04053



Upon review, this office has no objections to this submittal.

LVW/cm